Did anyone catch that NPR bit? Apparently, when you label someone an expert, you can make him behave close-mindedly. The theory is, the mere label itself bolsters the person and makes him more confident in his opinions but also more engrained, more dogmatic in his approach. Think about that for a minute. If the label creates a dogmatic mindset, is it more of a stigma than an honor?

Here’s what went down. The social science gurus decided to test their hypothesis on people that did not yet have (and perhaps did not quite deserve) the ‘expert’ title, to see what effect it had on them. They brought in a group of volunteers, half of whom were awarded the title ‘expert’ while half – their egos thoroughly deflated – were informed they fell well below the ‘expert’ mark. The most important part of this test, however, was what happened after. The people whom they labeled experts began to act differently. They became more confident in their opinions, and – the downside - less likely to listen to others and more fixed in their views. The label itself, apparently worn like a gallant cloak around their shoulders, actually changed their behavior.

We found this study intriguing, and it got us thinking about two different types of experts: experienced testifiers and novice testifiers. Both may be experts in their field, but only the expert with experience in the courtroom has lived with the label of ‘expert’ as a professional designation. Do you believe the label itself can have a detrimental effect on the witness’s presentation? Still more important, would such an alteration be a bad thing? Confidence can be an asset on the stand, though not if the expert simply comes across as narrow-minded.

The focus in trial often seems to be more on the expertise, experience, and proven reputation of Dr. So-and-So in his respective field as opposed to his mere label as an expert in the case. Does this rule of thumb also apply when you are searching for a so-called expert? While you obviously want someone who is an expert in his field, do you also want him to be just that – still in the field? Do you feel an expert who is still actively practicing as a doctor, director, professor, etc. is somehow more persuasive? In line with the ‘expert label’ theory, do you feel it keeps the expert more open-minded and willing to consider new methodologies or principles? Or, does the mere fact that they’re still out there, boots on the ground, still teaching, working, researching, somehow give them more jury appeal? Kathleen Hegen, a Partner at Lewis Brisbois tells us, “Although I do like to see continuing experience in the field, I'm more concerned about whether the expert is credible in his/her reasoning.”

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